

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**EARNEST SMITH (# 42190)**

**PLAINTIFF**

**v.**

**No. 4:07CV38-P-A**

**CHRISTOPHER EPPS, ET AL.**

**DEFENDANTS**

**FINAL JUDGMENT**

In accordance with the memorandum opinion issued today in this cause, the instant case is hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted, counting as a “strike” under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).

**SO ORDERED**, this the 28<sup>th</sup> day of March, 2007.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE